

AGENDA FOR
LICENSING HEARING SUB COMMITTEE



Contact: Michael Cunliffe
Direct Line: 0161 253 5399
E-mail: m.cunliffe@bury.gov.uk
Website: www.bury.gov.uk

To: All Members of Licensing Hearing Sub Committee

Councillors : T Rafiq (Chair), D Quinn and M Walsh

Dear Member/Colleague

Licensing Hearing Sub Committee

You are invited to attend a meeting of the Licensing Hearing Sub Committee which will be held as follows:-

Date:	Thursday, 21 August 2025
Place:	Virtual meeting via Microsoft Teams
Time:	10.30 am
Notes:	To view the virtual meeting online, please email m.cunliffe@bury.gov.uk or phone 0161 2535399 who will provide you with a link to view the meeting via MS Teams or telephone you into meeting with the option of audio only.

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Licensing Hearing Sub Committee are asked to consider whether they have an interest in any matter on the agenda, and, if so, to formally declare that interest.

3 MINUTES OF THE LAST MEETING(S) *(Pages 3 - 14)*

The Minutes of the last Licensing Hearing Sub Committee meetings held at 1.30pm on Tuesday the 8th July 2025 and at 9.30am on Monday the 14th July are attached.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF AY LOUNGE AND BAR, 153 THE ROCK, BURY, LANCASHIRE, BL9 0ND *(Pages 15 - 26)*

A report from the Executive Director (Corporate Core) is attached:-

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 8th July 2025

Present: Councillor I Rizvi (in the Chair)
Councillors A Booth and D Green

Also in attendance: L. Bell (Licensing Unit)
M. Bridge (Licensing Unit)
M. Cunliffe (Democratic Services)
R. Thorpe (Legal Services)

K. Luleme & A. Hasam (On behalf of the Applicant)
PC P. Eccleston- GMP (Representor).
C. Gee- Bury Times (Press)

Public Attendance: The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No members of the public were in virtual attendance.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by B. Thomson (Assistant Director of Operations Strategy).

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.
However, Councillor Green placed on record that she was a substitute representative on the Planning Control Committee held on the 24th June which deferred a planning application at this location to allow a site visit to take place.

3 OBJECTION NOTICE BEING RECEIVED FROM GREATER MANCHESTER POLICE OR ENVIRONMENTAL HEALTH IN RESPECT OF A TEMPORARY EVENT NOTICE

The Licensing Unit Manager presented a report relating to an objection notice being given to the Licensing Authority, by Greater Manchester Police pursuant to section 104(2) of the Licensing Act 2003, in respect of a proposed temporary event to be held at 65 Windsor Road Prestwich, M25 0DB between the hours of 20.30 to 03.00 hours on the 17th July 2025 until 20th July 2025.

The Temporary Event Notice has been given by Ervis Shkuti, 86 Devonshire Square, Salford, M7 4AD.

Greater Manchester Police, in their capacity as a Responsible Authority, would give their reasons for their representation in respect of the Temporary Event Notice were they are satisfied that the representation would undermine the Prevention of Crime and Disorder. Representation was attached at appendix 1 in the agenda packs.

The Secretary of State Guidance issued under section 182 of Licensing Act 2003 was included in the agenda packs.

After hearing the evidence representation and evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

The Sub-Committee heard oral representations on behalf of the applicant from Ms Konstantina Luleme. She explained the application was for extra hours to cater for the Oasis concerts taking place at Heaton Park and could not understand objections to the application as a previous one had been sought for trading until 11.00pm. The Licensing Unit Manager stated an application between the 11th to 15th July had been withdrawn which was a late TEN and a further Late TEN was received and GMP made representations, therefore a counter notice was issued.

Ms Luleme explained they were a new business in the area and wanted to grow and the concerts would help this. The venue would not make problems in the local neighbourhood and they would do their best. They were willing to not have any music playing after 9.00pm and would welcome the opportunity to try the extra hours. Plastic cups would be used instead of glassware and drunk people would not be served alcohol. The landlord of the building had turned the air conditioning unit and would also place a blanket on top of the canopy area off to limit noise.

A Member asked how many staff would be working during the concert days and it was reported around 5 people would be present as opposed to the usual 2 staff. The Licensing Unit Manager read out some of the proposed conditions submitted which were contained within the application form.

The Chair enquired what steps would be in place to avoid issues of anti-social behaviour. Ms Luleme stated they were thinking of having security on site.

A Member asked what assurance could be provided for security to be provided when this element had not been submitted on the application.

Mr A. Hasam (The landlord of the property) then joined the virtual meeting to aid Ms Luleme with her submissions in case of any translation problems. He explained she did not understand the application and to mention these extra procedures but 2 or more security staff can be on duty.

A Member asked how many customers the café can accommodate. Ms Luleme reported the number of tables inside and this would be around 27 with a sofa taking the total number to 30.

Upon questioning of the application by the Licensing Unit Manager, Mr Hasam explained Ms Luleme had completed the form via an agent and the notice giver had signed it. He also added that only yesterday the agent had informed them that they would not be representing them at the hearing.

A Member asked why a 3.00am licence was required when the concerts end at 11.00pm. This was a misunderstanding on behalf of Ms Luleme who had seen the road information signs and was happy to be open until midnight or 1.00am at the latest.

The Sub-Committee then heard formal representations from Greater Manchester Police via PC Peter Eccleston and these related to concerns preventing crime and disorder, public safety, public nuisance along with protecting children from harm.

During the dates and times requested, Heaton Park hosts five Oasis concerts with just under 80,000 people attending per day on the 11th, 12th, 16th, 19th and 20th July 2025. Those attending the concerts, are coming from all over the country and are not necessarily familiar with the local area and therefore it is anticipated that a high proportion will be utilising public transport links such as the Metrolink, bus services as well as taxi services including private hire vehicles to get to and from the events.

Heaton Park and the surrounding areas see a huge increase in footfall over the course of the 5 days and this doesn't include those who will be likely to attend the park who don't have a ticket to gain entry. New Eagle Coffee Bar, is not only within close proximity to Heaton Park itself, but also very close to the Bowker Vale Metrolink station.

Previously, the premises has submitted a Temporary Events Notice from the 11th to the 15th July 2025 to extend their closing time and alcohol sales by 2hrs from 21:00hrs to 23:00hrs. GMP had previously requested door supervisors be employed to help manage those attending the premises who are most likely already feeling the effects of alcohol. This request was refused by the Premises License Holder/DPS and since then, that TEN was withdrawn and two new notices have been submitted however on this occasion, the request is to extend the premises opening hours and alcohol sales by 6 hours, meaning that if granted, they would not close until 3am.

One of the TENS was submitted late and therefore GMP has already made representations to the Licensing Authority. Like the other TEN, there is no mention whatsoever as to how the much-anticipated increase in footfall and visits to the premises will be managed. Not only is there likely to be a sharp increase in customers before the event it is highly likely that there will be an increase level of custom after the event considering that they are requesting a 3am close the premises is close to one of the main transport links to and from Heaton Park.

Greater Manchester Police understands that this is probably the biggest music event Manchester has seen for a number of years and we understand that the hospitality industry is not what it used to be so businesses are trying to capitalise on that in order to try and make a profit however that should not be at the expense of public safety, annoyance of local residents and the most likely increase in crime and disorder. Unfortunately, the premises have not provided details as to how those attending the premises will be managed. There is no detail as to whether SIA registered door supervisors will be employed to manage those in attendance. GMP are of the opinion that the removal of seating outside and the decanting of alcohol into plastic glasses would not be sufficient to prevent potential incidents of crime and disorder which is likely to occur given those attending the premises both before and especially after, the events in Heaton Park will already be feeling the effects of alcohol.

The premises is situated in a mainly residential area and with the increase in footfall in and out of the premises and the lack of staff to manage those customers, there are concerns that this is likely to result in increased complaints from local residents as there is no mention of how ingress and egress will be managed, or how customers will be prevented from utilising outside areas at late hour resulting in annoyance being caused well into the early hours of the morning. Furthermore, there is the impact of parking and vehicles coming and going from the premises.

Although there are a number of GMP resources assigned to the Oasis concerts, their primary function will public safety in and around Heaton Park including both ingress and egress from the park itself. Should an incident occur at the premises GMP cannot guarantee that there will be available resources to attend and considering the premises is requesting an extension to the opening hours vastly exceeding all the other licensed premises in the near vicinity there is

no requirement for police resources to be retained on duty once egress from Heaton Park has been completed.

A number of other suggestions and further information was submitted by GMP and included within 1 of the agenda pack.

A Member asked what time the police expect people to arrive for the concerts and then clear the area afterwards. PC Eccleston reported gates open after 2.00pm with peak entry estimated around 5.30pm and 80,000 attendees leaving around 10.30pm.

Mr Hasam questioned why Nisa Local could stay open late during Parklife and they would comply with timings and welcome families. He added they were happy to abide by the same opening hours of the local shops.

The Sub-Committee heard no other representations.

All parties were offered the opportunity to question the applicant and representor and vice versa. All parties were allowed the opportunity to sum up their respective cases.

The Sub-Committee then duly retired to consider the application.

The Members of the Panel were advised by the Legal representative as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, (December 2022 – updated 12 January 2023)

In addition, Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives together with relevant representations presented by all parties.

Delegated decision

The Sub-Committee considered the Licensing Act 2003, regulations made thereunder, the Secretary of State's Guidance, issued under section 182 of the 2003 Act, and the Council's own Licensing Policy. The Sub-Committee also considered the Temporary Event Notice, the written objections from Greater Manchester Police and the oral representations from representatives of the Notice Giver, the Licensing Authority and from GMP.

Having considered all of the evidence with care, it was established that, having understood the application and equally noting and understanding the representations and assurances made by the applicant and for the premises, the Sub-Committee found there were causes for concern so far as the promotion of the licensing objectives.

The Notice Giver had not provided sufficient detail or submissions and the Sub-Committee was not satisfied that the Licensing Objective, in particular the Prevention of Crime and Disorder and Public Safety would not be imperilled if the Temporary Event were to proceed.

The Sub-Committee were deeply concerned about the staffing management responsibilities at the venue with the expected crowds attending the nearby event. Keeping the general public safe could not be guaranteed.

The Notice Giver had provided limited explanation of how the Licensing Objectives would be promoted during the proposed Temporary Event and, considering the Temporary Event itself and the wider context set out in evidence, the Sub-Committee was not satisfied that the Licensing Objective, in particular the Prevention of Crime and Disorder, but also the Protection of Public Safety, public nuisance along with protecting children from harm could not be imperilled if the Temporary Event were to proceed.

It was, therefore, agreed unanimously, **that the Sub- Committee give a counter notice to the Temporary Event Notice** given pursuant to section 105(2)(b) of the Licensing Act 2003, the Local Authority considering this necessary for the promotion of the Licensing Objectives – (preventing the event from taking place).

The Sub-Committee chair advised that the venue should consider using plastic cups and have door security at the venue during their normal opening hours when the concerts take place.

COUNCILLOR IRIZVI
Chair

(Note: The meeting started at 1.30pm and ended at 3.10pm)

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Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 14th July 2025

Present: Councillor T Rafiq (in the Chair)
Councillors D Green and D Quinn

Also in attendance: M. Bridge (Licensing Unit)
M. Cunliffe (Democratic Services)
R. Thorpe (Legal Services)

Mr S Crawford (Applicant)
Mr J Dolwin (Applicant)
Mr C Lucan (The Licensing Guys – Applicant's Consultant & Agent)
Councillor D. Berry (On behalf of some representors)
Councillor A. Booth (Observing)
Councillor G. Marsden (Observing)

Public Attendance: The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No members of the public or press were in virtual attendance.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by B. Thomson (Assistant Director of Operations Strategy).

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING

The minutes of the last Licensing Hearing Sub Committee meeting held at 1.00pm on Thursday the 12th June 2025 was attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 1.00pm on the 12th June 2025 be approved as a correct record.

4 APPLICATION FOR A CLUB PREMISES CERTIFICATE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF BOLTON WYRESDALE AMATEUR FOOTBALL AND SPORTS CLUB, 65 RADCLIFFE MOOR ROAD, BOLTON, BL2 6RF

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Bolton Wyresdale Amateur Football and Sports Club, 65 Radcliffe Moor Road, Bolton, BL2 6RF.

The applicant for the licence is Bolton Wyresdale Amateur Football and Sports Club Plc, 31 Knightswood, Beaumont Chase, Bolton BL2 6RF. Mr Stan Crawford of 31 Knightswood, Beaumont Chase, Bolton BL2 6RF is the proposed Secretary. The applicant has requested that the Club Premises Certificate if granted by Members today is to commence from the 16th August 2025.

The Applicant had complied with all the necessary procedural requirements laid down by the Act.

The Licensing Unit Manager presented the report and as part of the statutory process the responsible authorities and interested parties are entitled to make representations in relation to the grant of a licence. Where representations are made and not withdrawn Members are required to determine them.

Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-

- the prevention of crime and disorder
- public safety
- prevention of public nuisance and
- protection of children from harm

The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003.

Opening Times:

Monday to Saturday	12.00 till 23.00
Sunday	12.00 till 22.30

Supply of Alcohol by or on behalf a club to the order of a member of the Club (on the premises only):

Monday to Saturday	12.00 till 23.00
Sunday	12.00 till 22.30

Recorded Music (Indoors)

Wednesday to Saturday	18.00 till 23.00
Sunday	18.00 till 22.30

Due to the Live Music Act 2012, there is no need to licence this activity until after 23.00.

The conditions contained in the operating schedule submitted by the applicant were contained at Appendix 1 in the agenda packs.

The club rules were contained at Appendix 2 in the agenda packs.

13 representations had been received from interested parties and they had been invited to make their representations at the hearing. The representations were attached at Appendix 3 in the agenda packs. The Licensing Unit Manager clarified that Councillor Berry was representing 6 representors, the other 6 had provided their apologies for the meeting and 1 had not replied back after being contacted by Licensing Officers.

After hearing the representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides

information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

In making its decision with regard to this grant hearing, the steps the Sub-Committee can take are:

- To grant the application in the terms requested
- To grant the application subject to conditions
- To amend or modify existing or proposed conditions
- To refuse the application

All licensing determinations should be considered on the individual merits of the application.

The Sub-Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.

It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

The Sub-Committee was asked to determine what steps, as set out above, are appropriate for the promotion of the licensing objectives.

Mr Chris Lucan (The Licensing Guys – Applicant's Consultant & Agent) addressed the Sub Committee and referred Members about the club rules contained at Appendix 2 in the agenda pack. Two of the objectives were to support sporting, social, recreational and cultural activities and events in which Bolton Wyresdale teams participate along with providing and maintaining high quality facilities for its members.

Mr Lucan explained the purpose of the club had not changed and it was not turning into a sports bar or nightclub and this was for the benefit of club members. People off the street would not be able to use the facility and guests needed to be signed in by a member. The hours are wide but the intention was not to operate for the full time period and this would save on applying for temporary event notices for special events. The operating schedule underpinned the licensing objectives and there was no history of disorder at the club.

Mr Lucan pointed out that no responsible authorities had made any concerns or representations for the application. The representations included in the report had no evidence to support these statements and Mr Lucan addressed a number of the points made in the representations submitted.

A Member enquired how the club would check people entering are members of the establishment and was the room available for function hire. Mr Joe Dolwin, a Director at the club reported people have to apply for a membership with verification taking place within 48 hours. Entry is only permitted once approved and a trained member of staff would be on site monitoring members. Unknown people would be asked which members they were accompanying on the premises and guests are required to sign in. A member could hire the venue but could only sign in one guest although children are not counted.

Councillor Berry stated there had been many objections made to the initial planning application for the site and local residents never thought it would become a social venue. He expressed concerns relating to the licensing objectives and there were many unknowns to take into account on behalf of local residents. He added that there was no mention on noise levels related to music and hoped this could not be heard beyond the boundary of the site. A request was made that a review take place after 6 months, a 10.00pm closing time be considered, deliveries take place in a set time period and stewards manage the car park.

The Licensing Unit Manager reminded Members of the Committee that due to the Live Music Act 2012, there was no need to licence music until after 11.00pm. He also reported that there was a review process available should there be any representations submitted from responsible authorities after approval if the promotion of the licensing objectives were not being met.

Mr Lucan summed up stating that by law the venue could only cover up to 500 people and to answer the question about an opposing team using the venue, 11 members would each have to sign one guest in. There would be no off-site sales and no excessive alcohol usage with safeguarding measures in place. Music would not be played at an excessive level and there was no negative history with the club with representations being based on speculation.

The Sub-Committee then duly retired to consider the application.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to the relevant provisions of the national guidance and the Council's licensing policy statement.

In addition, Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives together with relevant representations presented by all parties.

Delegated decision

All of the evidence was considered with care, and it was established that having understood the application and equally noting and understanding the representations, the Sub-Committee found there were no causes for concern so far as the promotion of the licensing objectives were concerned.

It was therefore agreed unanimously that the Sub- Committee **grant the application in the terms requested** and subject to the following conditions:-

The Chair advised that the panel stressed the club rules about members and signing guests in on arrival must be upheld at all times.

Operating Schedule

General

- Ensure all staff are trained in recognizing and preventing potential crime and disorder, including procedures for dealing with intoxicated customers, security protocols, and conflict resolution.

Crime and Disorder

- Suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.
- Spirits will be located behind the counter.
- Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken.
- A zero-tolerance policy towards drugs, violence, and anti-social behaviour will be enforced.

Public Safety

- The premises will comply with all relevant health and safety, fire safety, and building regulations.
- Regular risk assessments will be carried out to identify and manage hazards.
- Clearly marked fire exits and escape routes will be kept unobstructed and illuminated at all times.
- A first aid kit will be available on-site and key staff will be trained in basic first aid.
- Electrical and gas equipment will be regularly tested and certified.
- Emergency Procedures: Develop and practice emergency procedures for various scenarios, such as fire, medical emergencies, or security breaches.

Prevention of Public Nuisance

- Noise Control: Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours. All customers will be asked to leave quietly.
- Waste Management: Manage waste effectively to prevent litter and odours, ensuring that all waste is collected regularly and stored appropriately.
- Lighting: Ensure adequate lighting to enhance visibility and prevent accidents, while also minimizing light pollution to neighbouring properties.
- Parking: Manage parking to avoid congestion and prevent public nuisance, ensuring that parking spaces are clearly marked and accessible.

Protection of Children from Harm

- Staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving

licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

- All staff will be trained for underage sales prevention regularly.
- A register of refused sales shall be kept and maintained on the premises.

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 9.30am and ended at 10.30am)



Classification	Item No.
Open / Closed	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	21 August 2025
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of AY Lounge and Bar, 153 The Rock, Bury, Lancashire, BL9 0ND
Report by:	Executive Director (Corporate Core)
Decision Type:	Council
Ward(s) to which report relates	East

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of AY Lounge and Bar, 153 The Rock, Bury, Lancashire, BL9 0ND.

Recommendation(s)

- To grant the application in the terms requested
- To grant the application subject to conditions
- To amend or modify existing or proposed conditions
- To refuse the application

1.0 BACKGROUND

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are the relevant legislation.
- 1.2 The Panel will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

2.0 INTRODUCTION

- 2.1 The applicant for the licence is AY Lounge and Bar, 44 Stokers Drive, Horwich, BL6 5XB. Mr Pramuka Sesath Kammanthi De Silva is the proposed Designated Premises Supervisor (DPS), however at the time of writing this report he does not currently hold a personal licence.
- 2.2 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.3 As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the grant of a licence. Where representations are made and not withdrawn Members are required to determine them.
- 2.4 Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-
- the prevention of crime and disorder
 - public safety
 - prevention of public nuisance and
 - protection of children from harm

3.0 THE APPLICATION

- 3.1 The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003:

Opening Times:

Monday to Sunday 08.00 to 23.00

Supply of Alcohol (on the premises only):

Monday to Sunday 10.00 to 23.00

The conditions contained in the operating schedule submitted by the applicant are attached at Appendix 1.

4.0 REPRESENTATIONS FROM AN INTERESTED PARTY

- 4.1 One representation has been received from an interested party.
- 4.2 The representation is attached at Appendix 2.

5.0 OBSERVATIONS

- 5.1 After hearing the representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

6.0 THE SECRETARY OF STATES GUIDANCE TO THE LICENSING ACT 2003

- 6.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 6.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 6.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

7.0 CONCLUSION

- 7.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 7.2 In reaching the decision, regard must be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 7.3 The Sub-Committee must consider what steps are appropriate for the promotion of the licensing objectives.

- 7.4 In making its decision with regard to this grant hearing, the steps the Sub-Committee can take are:
- To grant the application in the terms requested
 - To grant the application subject to conditions
 - To amend or modify existing or proposed conditions
 - To refuse the application
- 7.5 All licensing determinations should be considered on the individual merits of the application.
- 7.6 The Sub-Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 7.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 7.8 The Sub-Committee is asked to determine what steps, as set out in 8.4 above, are appropriate for the promotion of the licensing objectives.

Community impact/links with Community Strategy

Not Applicable

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate

that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<i>The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.</i>	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
There are no specific issues from the report other than potential costs/risks associated with legal appeals.	

Consultation:

Not Applicable

Legal Implications:

Yes, under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

Financial Implications:

The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Report Author and Contact Details:

For further information on the details of this report, please contact:

Mr M Bridge

Licensing Office
Town Hall
Bury
Telephone No: 0161 253 5209
Email: m.bridge@bury.gov.uk

Background papers:

List of Background Papers:-
Application form
Representations received

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning

Appendix One

Operating Schedule submitted by the applicant

Conditions Consistent with The Operating Schedule

Conditions agreed with Greater Manchester Police

The prevention of crime and disorder

1. The premises licence holder must ensure that:
 - a. CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence].
 - b. The system records clear images permitting the identification of individuals.
 - c. The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 - d. The CCTV system operates at all times while the premises are open for licensable activities [or specify timings]. The Premises Licence Holder or the Designated Premises Supervisor must notify the licensing office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.
 - e. All equipment must have a constant and accurate time and date generation.
 - f. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
 - g. There are members of trained staff at the premises during operating hours able to provide viewable copies on request by the police or authorised officer of the local authority officers as soon as is reasonably practicable or in any case within 12 hours of receiving the request whether that be verbal or written request.
2. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details):
 - a. All alleged crimes reported to the venue or by the venue to the police
 - b. All ejections of patrons
 - c. Any incidents of disorder
 - d. Seizures of drugs, offensive weapons, fraudulent ID or other items
 - e. Any faults in the CCTV system
 - f. Any visit by a responsible authority or emergency service
3. All staff authorised to sell alcohol shall be trained in:
 - a. Relevant age restrictions in respect of products
 - b. Prevent underage sales
 - c. Prevent proxy sales
 - d. Maintain the refusals log
 - e. How to refuse service including recognising signs of disorder and de-escalation.
 - f. Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
 - g. The conditions in force under this licence.

4. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Bury Council.

Public safety

5. All fire safety and health & safety regulations will be strictly followed.
6. Emergency exits will be kept clear and regularly checked.
7. Capacity limits will be monitored and enforced.
8. Staff will be trained in first aid and emergency procedures.
9. Customers are to be prevented from leaving the premises with glasses or open bottles.
10. Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.

The prevention of public nuisance

11. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
12. Other than natural ingress / egress from the premises, all external doors and windows are to be kept closed when live entertainment or recorded music is in progress between the hours of 20:00hrs - 23:00hrs.
13. No Refuse shall be disposed of or collected from the premises between the hours of 19:00 hrs and 07:00hrs where such disposal or collection is likely to cause disturbance to local residents.
14. Noise levels (music or general activity) will be monitored and managed to avoid any disturbances to local residents.

The protection of children from harm

15. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving license, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.
16. The premises shall display prominent signage indicating at any point of sale that the Challenge 25 scheme is in operation.

17. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within 24 hours or a reasonable time of a request by an officer of a Responsible Authority.

APPENDIX TWO

Representations from Interested Parties

Hello, I'm writing to make observations / raise concerns about the licensing application by AyLounge & Bar for 153 The Rock, Bury, BL9 0ND.

I live XXXX that directly faces it - my name is on the Council Tax bill for my apartment.

I have concerns about the premises applying to be open from 11am until 11pm every day, and wanting to serve alcohol for all those hours.

There are dozens of apartments on this side of the road. This stretch of The Rock, from the closed Wilko down to the junction with Derby Way does not, as far as I am aware, have any premises that serve alcohol at all on it. The only premises that is open past 8pm is the 24 hour vet, which is only a couple of doors down from the premises in question.

Whilst this stretch of the Rock is admittedly in the town centre, it is in effect a residential street. There is already unfortunately disturbance from revellers walking down it, but I feel a licensed premises being open, especially until that late at night, is not in keeping with nor is it suitable for this area.

After Googling, it seems the premises describes itself as a restaurant - this is not in keeping with the "Lounge & Bar" part of their name - I feel there is too great a risk of disturbance if a licensed premises is allowed to open on this stretch of the Rock, especially as late as it wants to be.

If it was nearer Racconto Lounge etc, or situated near West Ivy I would have no issue, but I fear a licensed premises being allowed to open opposite so many residential dwellings, some of which have young children's rooms facing the premises, would have a very negative impact on the quality of life and peace of mind of all residents.

I urge you to reject the licensing application, for the reasons stated above.

Thank you in advance for logging my representations as part of the licensing process.

Best regards,